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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,498	12/14/2000	Vic De Zen	DSJ-10670US	5768

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EXAMINER
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HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/735,498

Applicant(s)

ZEN, VIC DE

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3,5-7,9,10,12-14 and 17-19 is/are rejected.  
7) ☒ Claim(s) 4,8,11,15 and 16 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☒ Other: see the marked attachment.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1 and 9 are objected to because of the following informalities:

Claim 1 recites the limitation "the circumscribed area" in line 4. There is insufficient antecedent basis for this limitation in the claim, and in claim 9, line 5, "by said by said" should be --by said--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3,5,7,9,10,12,14 and 17-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,894,706 to HERBST. In reference to claim 1, HERBST discloses the use of a first (20) and second (21) one piece integrally molded area circumscribing frame members that fit against one another, as at (48,49) in figures 8A and 9, to form an area circumscribing support frame, as shown in figure 2, having a article retaining recess or channel formed between (41) and the end of (44), column 3, lines 37-39, wherein the recess or channel opens to a circumscribed area (CA) formed therebetween and extending therearound, see the marked attachment. Regarding claim 2, at least one of said members has an integral laterally projecting peripheral wall (LW) extending around the perimeter thereof against which the other frame member fits to form the article retaining recess or channel (formed between (41) and the end of (44), column 3, lines 37-39), see figure 8A. In reference to claim 3, both of said frame members (20,21) have laterally projecting peripheral walls (42,45) extending around

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their outer perimeters which abut, as at 48,49) when the frame members (20,21) are fitted together to define the article retaining recess (formed between (41) and the end of (44), column 3, lines 37-39). Regarding claim 5, the frame members (20,21) are injection molded plastic members, column 1, lines 38-42 and 64. In reference to claim 7, each of the frame members (20,21) is one side of a window sash for full view a door (10) and the retaining recess (formed between (41) and the end of (44), column 3, lines 37-39) is adapted to retain a glazing unit (15). Regarding claim 9, at least one of the frame members (20) is further formed to fit against a third one piece integrally molded area of circumscribing frame member (24) to form a second support frame having an article retaining recess or channel therein (the U-shaped channel thereof) that opens into the circumscribed area (CA) by the second member (21) and extends around. In reference to claim 10, the first (20) and second (21) frame members are configured to form face-to-face spaced opposite sides of a window frame for a full view door (10) and at least one of the frame members (20,21) have at an outer perimeter thereof, a laterally projecting wall (LW) which spaces the opposite sides of the frame members (20,21) from one another to define the window unit retaining recess or channel (formed between (41) and the end of (44), column 3, lines 37-39). Regarding claim 12, the first (20) and second (21) frame members, in combination with a third piece (24) molded area circumscribing frame member that is configured for assembly with one of said first (20) and second (21) frame members to form an adjoining frame having the window retaining recess (formed between (41) and the end of (44), column 3, lines 37-39) therein. In reference to claims 13 and 14, the first (20) and second (21) frame members

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are formed to be brought together face-to-face to form opposite sides of a window sash for a full view door (10) with the retaining recess (formed between (41) and the end of (44), column 3, lines 37-39) therebetween, a glazing unit (15) located between said sash sides received in said retaining recess (formed between (41) and the end of (44), column 3, lines 37-39) and means securing (25), (55,56,58) and (48,49) said molded frame members (20,21) together to interengage, as at (48,49) and retain said glazing unit (15) therebetween when the frame members (20,21) are brought face-to-face.

Regarding claims 17-19, the interengaging means (55,56,58) and (48,49) are molded with the frame members (20,21) and are fitted against one another, column 1, lines 50-52, such that the interengaging means (55,56,58) and (48,49) are projecting formations (55) and (49) that are plugged into recesses (56) and (48) to bind together to resist separation.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,894,706 to HERBST. HERBST discloses the basic claimed circumscribing frame members except for explicitly detailing that his frame members are compression molded. Although HERBST does not detail the method of compression molded, he does detail that his frame members may be blow, roto, or gas assist injection molding, column 1, lines 62-63, but are not limited to these methods. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made that

the method of forming the frame members of HERBST could have included compression molding also. Further, the applicant is reminded that the method of forming a device is not germane to the issue of patentability of the device itself.

***Allowable Subject Matter***

Claims 4,8,11,15 and 16 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 8/30/04 have been fully considered but they are not persuasive.

Regarding the applicant's argument that each of the frame members of HERBST is not one side of a window sash and cannot retain a glazing therebetween, clearly, figures 8A,9, and 10 detail the frame members (20,21) retaining a glazing (15) therebetween.

In reference to the frame members not being one side of a window sash, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the glazing being held against the frame) are not recited in the rejected claim(s),

and are specifically not recited in claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Regarding the applicant's argument that the frames shown in figure 9 are very different from the frame (20,21) shown in figures 8A and B, the examiner agrees that figure 9 is a slight variation of figure 8A, see the brief description of figure 9.

The examiner also agrees that the glazing is held against the two frame members by the glazing strip (25). However, there is no requirement in the claim for the frames to provide support on both sides of the glazing.

In reference to the applicant's argument regarding the channels or closed off continuous chambers, this too is not a requirement set forth in the claims. Surely, a channel formed by (41) and the end of (44), column 3, lines 37-39 is intended to retain a glazing 915) therein, see figures 8A and 9.

Regarding figure 9 detailing closed off chambers, the rejections have been modified to clarify the examiner's position. However, the claim does not detail that the chambers cannot be closed off in any way.

In reference to the applicant's argument that the channels do not being continuous and not being open to the circumscribed area, the channel formed by (41) and the end of (44), column 3, lines 37-39 is continuous and extends about the circumscribing frame members (20,21), and is open to the circumscribed area (CA), see the marked attachment.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

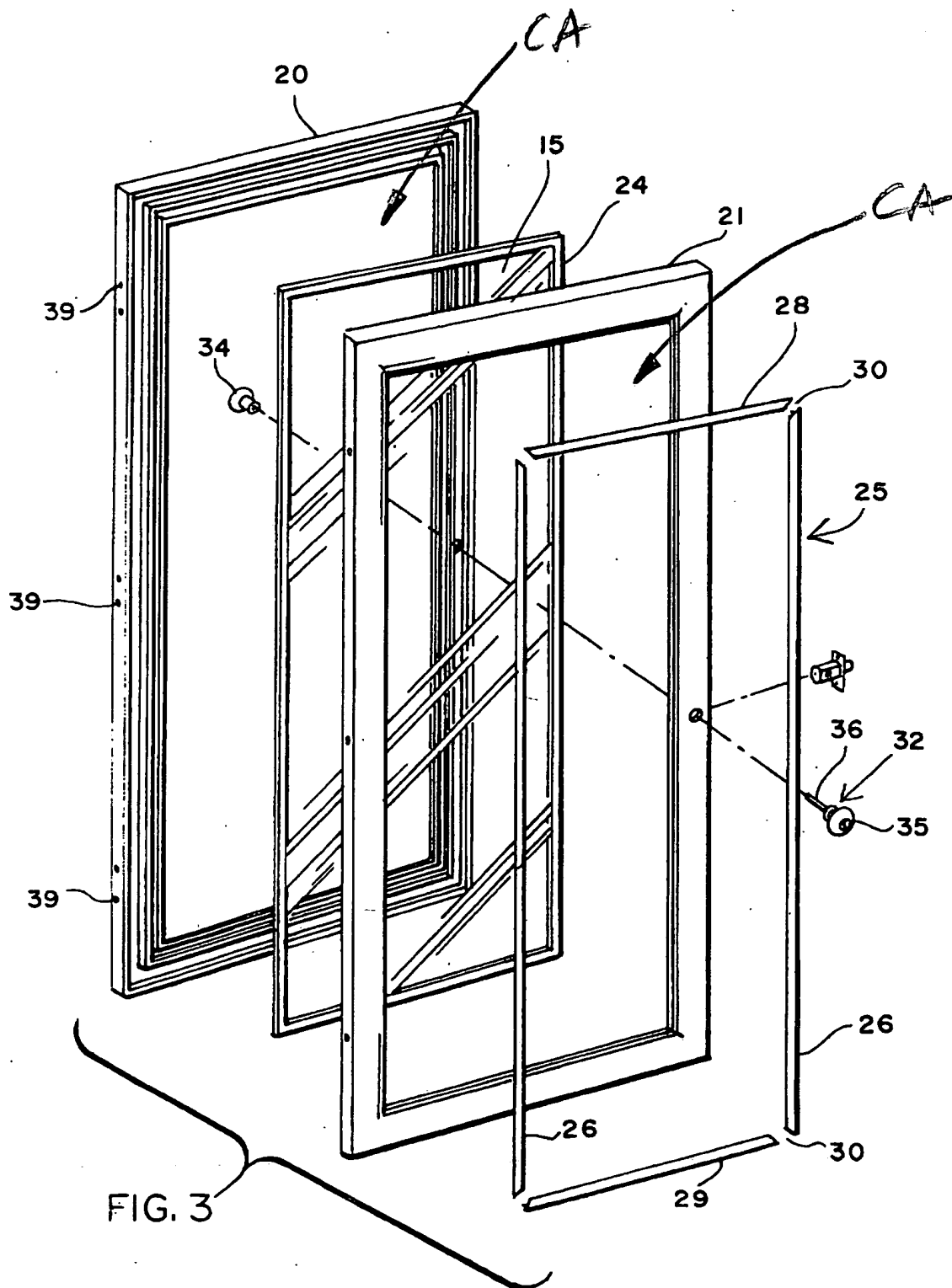


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH  
12/14/04  
Art Unit 3635



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Supervisory Patent Examiner  
Group 3600



**5,894,706**

